



**REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS  
AUDIT EXAMINATION OF THE  
FULTON COUNTY CLERK**

**Calendar Year 1998**

**EDWARD B. HATCHETT, JR.  
AUDITOR OF PUBLIC ACCOUNTS  
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Edward B. Hatchett, Jr.  
Auditor of Public Accounts

To the People of Kentucky  
Honorable Paul E. Patton, Governor  
John P. McCarty, Secretary  
Finance and Administration Cabinet  
Sarah Jane Schaaf, Secretary, Revenue Cabinet  
Honorable Harold Garrison, County Judge/Executive  
Honorable Lesia LaRue, Fulton County Clerk  
Members of the Fulton County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of receipts, disbursements, and excess fees of the County Clerk of Fulton County, Kentucky, for the year ended December 31, 1998. This financial statement is the responsibility of the County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with generally accepted auditing standards, Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk was required to prepare the financial statement on a prescribed basis of accounting that demonstrates compliance with the cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than generally accepted accounting principles. This cash basis system does not require the maintenance of a general fixed asset group or general long-term debt group of accounts. Accordingly, the accompanying financial statement is not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the County Clerk for the year ended December 31, 1998, in conformity with the basis of accounting described above.

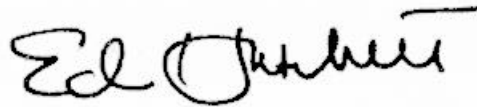
To the People of Kentucky  
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Based on the results of our audit, we have presented the accompanying comment and recommendation, included herein, which discusses the following area of noncompliance:

- The County Clerk Should Have A Written Agreement To Protect Deposits

In accordance with Government Auditing Standards, we have also issued a report dated June 29, 1999, on our consideration of the County Clerk's compliance with certain laws and regulations and internal control over financial reporting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a stylized flourish at the end.

Edward B. Hatchett, Jr.  
Auditor of Public Accounts

Audit fieldwork completed -  
June 29, 1999

FULTON COUNTY  
 LESIA LARUE, COUNTY CLERK  
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES

Calendar Year 1998

Receipts

Library and Archives Grant	\$	9,109	
State Fees For Services			4,480
Fiscal Court			5,389
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	142,298	
Usage Tax		496,476	
Tangible Personal Property Tax		392,677	
Licenses-			
Fish and Game		6,977	
Marriage		3,381	
Occupational		105	
Deed Transfer Tax		9,118	
Delinquent Tax		22,125	1,073,157
Fees Collected for Services:			
Recordings-			
Deeds, Easements and Contracts	\$	7,044	
Real Estate Mortgages		8,324	
Chattel Mortgages and Financing Statements		30,416	
Wills		424	
Deeds of Release		3,536	
All Other Recordings		3,188	
Charges for Other Services-			
Candidate Filing Fees		1,560	
Miscellaneous		1,042	55,534
Interest Earned			1,374
Gross Receipts (Carried Forward)	\$		1,149,043

FULTON COUNTY  
 LESIA LARUE, COUNTY CLERK  
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES  
 Calendar Year 1998  
 (Continued)

Gross Receipts (Brought Forward) \$ 1,149,043

Disbursements

Payments to State:

Motor Vehicle-

Licenses and Transfers	\$ 111,572	
Usage Tax	481,567	
Tangible Personal Property Tax	115,878	

Licenses-

Fish and Game	6,896	
Delinquent Tax	2,682	
Legal Process Tax	8,826	
Candidate Filing Fees	<u>1,410</u>	\$ 728,831

Payments to Fiscal Court:

Tangible Personal Property Tax	\$ 31,562	
Delinquent Tax	2,703	
Deed Transfer Tax	8,662	
Occupational Licenses	<u>65</u>	42,992

Payments to Other Districts:

Tangible Personal Property Tax	\$ 229,530	
Delinquent Tax	<u>10,883</u>	240,413

Payments to Sheriff 1,083

Payments to County Attorney 3,779

Operating Disbursements:

Personnel Services-

Deputies Salaries	\$ 39,661	
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Contracted Services-

Advertising	118	
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Materials and Supplies-

Office Supplies	6,455	
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FULTON COUNTY  
 LESIA LARUE, COUNTY CLERK  
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES  
 Calendar Year 1998  
 (Continued)

Disbursements (Continued)

Operating Disbursements:  
 (Continued)

Other Charges-

Conventions and Travel	\$	1,137	
Dues		300	
Postage		2,883	
Refunds		1,416	
Making Tax Bills		1,143	
Microfilming		9,109	
Miscellaneous		472	
			\$ 62,694

Total Disbursements		\$ 1,079,792
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Net Receipts	\$ 69,251
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Less: Statutory Maximum	48,726
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Excess Fees	\$ 20,525
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Less: Expense Allowance	3,600
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Excess Fees Due County for Calendar Year 1997	\$ 16,925
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Payments to County Treasurer- February 23, 1999	16,925
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Balance Due at Completion of Audit	\$ 0
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The accompanying notes are an integral part of the financial statement.

FULTON COUNTY  
NOTES TO FINANCIAL STATEMENT

December 31, 1998

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

The financial statement has been prepared on a cash basis of accounting pursuant to KRS 68.210 as recommended by the State Local Finance Officer. Revenues and related assets are generally recognized when received rather than when earned. Certain expenses are recognized when paid rather than when a liability is incurred, including capital asset purchases. Certain other expenses are recognized when a revenue and the related asset can be associated with a corresponding liability due another governmental entity.

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a multiple-employer public retirement system that covers all eligible full-time employees. Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 8.65 percent.

FULTON COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 1998  
(Continued)

Note 2. Employee Retirement System (Continued)

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is present in the Kentucky Retirement Systems' annual financial report which is a matter of public record.

Note 3. Deposits

The County Clerk maintains deposits with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to law, the depository institution should pledge sufficient securities as collateral which, together with FDIC insurance, equals or exceeds the amount on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge of securities should be evidenced by an agreement that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. This agreement, signed by both parties, must be sufficient to create an enforceable and perfected security interest in the collateral under Kentucky law. As of April 13, 1998, the uncollateralized amount on deposit was \$5,632. The pledged securities and FDIC insurance did not equal or exceed the amount on deposit. In addition, the County Clerk did not have a written agreement with the depository institution.

Note 4. Grant

The County Clerk received a local records microfilming grant from the Kentucky Department of Libraries and Archives in the amount of \$10,870. The account earned interest of \$284. The clerk expended \$9,109 during calendar year 1998. The unexpended grant balance is \$2,045 as of December 31, 1998.

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COMMENT AND RECOMMENDATION



FULTON COUNTY  
LESIA LARUE, COUNTY CLERK  
COMMENT AND RECOMMENDATION

Calendar Year 1998

The County Clerk Should Have A Written Agreement To Protect Deposits

The County Clerk maintained deposits with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). The County Clerk had a bank balance of \$130,632, FDIC insurance of \$100,000; and securities pledged of \$25,000 as of April 13, 1998. However, the pledge was not evidenced by a written agreement. We recommend the County Clerk enter into a written agreement with the depository institution. This agreement, signed by both parties, must be sufficient to create an enforceable and perfected security interest in the collateral under Kentucky law. According to federal law, 12 U.S.C.A. § 1823(e), this agreement should be (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

*Management's Response:*

*"I now have a written agreement with the bank."*

PRIOR YEAR FINDING

The County Clerk did not have a written agreement with the depository institution to protect deposits until April 1, 1999.

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REPORT ON COMPLIANCE  
AND ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT  
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS





Edward B. Hatchett, Jr.  
Auditor of Public Accounts

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Members of the Fulton County Fiscal Court

Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards

We have audited the Fulton County Clerk as of December 31, 1998, and have issued our report thereon dated June 29, 1999. We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Fulton County Clerk's financial statement as of December 31, 1998, is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

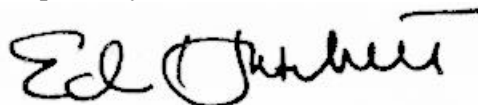
Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Fulton County Clerk's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Honorable Harold Garrison, County Judge/Executive  
Honorable Lesia LaRue, Fulton County Clerk  
Members of the Fulton County Fiscal Court  
Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

This report is intended for the information of management. However, this report, upon release by the Auditor of Public Accounts, is a matter of public record and its distribution is not limited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a horizontal line extending from the end of the signature.

Edward B. Hatchett, Jr.  
Auditor of Public Accounts

Audit fieldwork completed -  
June 29, 1999

